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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,660	12/28/2000	Manoj Khare	2207/9865	8718
23838	7590	02/01/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			THAI, TUAN V	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/749,660

Applicant(s)

KHARE ET AL.

Examiner

Tuan V. Thai

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 8 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 03 December 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-29.Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Examiner acknowledges the recitation of "Claims 1-6, 12-13, 15-17, 19-25, 31-32, 34, 36, 47-51" is an oversight and should have been read as Claims 1-29 as indicated by Applicant's counsel, any inconvenience is sincerely regretted. Objection to the title is hereby withdrawn. With regard to the claims 1-29, Examiner wholeheartedly disagrees with the Applicant's counsel and would like to emphasize that the combination of Baumgartner ('907) and Arimilli ('484) clearly disclose the invention as claimed, particularly, the limitation of receiving a speculative memory read request at a home node before results of a cache coherency protocol are determined (Baumgartner's column 4, lines 29 et seq., specifically, lines 63-67, figure 3A, block 90; column 9, lines 18 et seq.), initiating a read to memory to complete the speculative memory read request (Baumgartner's column 9, lines 34 et seq.). The further limitation of "completing the memory read request before results of the cache coherence protocol are determined" as being contended by Applicant's counsel is disclosed by Arimilli as clearly indicated in the Final Office action, for example, starting at column 5, lines 66 et seq., Arimilli discloses allowing the requested data to be read from the L2 cache of the intervening processing unit BEFORE the combined COHERENCYresponse is received, it would tremendously reduce the intervention latency and the overall SMP system performance is significantly improved. Therefore, Examiner believes the combination of Baumgartner and Arimilli disclose all and every single limitations of the claimed invention, and the rejection of Armilli and Baumgartner under 35 U.S.C. 103 to arrive at the Applicant's current invention is deemed to be proper.


TUAN V. THAI
PRIMARY EXAMINER